

(Mount Clipping in Space Below)

SHAW LAWYERS ASST. ATTORNEY GENERAL

Plot by D.A. to Prejudice Jurors Charged

A much-ramored motion to move the conspiracy trial of **Chas. L. Shaw** from District Attorney **Garrison's** jurisdiction was filed in Criminal District Court by Shaw's attorneys Tuesday.

Citing what it terms "an atmosphere of prejudice, passion, excitement and tyrannical power," the motion went on to accuse Garrison, his staff and others of a "well planned conspiracy to prejudice the minds of all prospective jurors in the city of New Orleans and the surrounding area."

Some of the persons referred to were authors **Mark Lane** and **Harold Weisberg**, well-known Warren Commission critics who have taken an interest in Garrison's investigation of the death of President **John F. Kennedy**.

Judge Edward A. Magarity of the state one week to reply in writing, and set a hearing on the motion for March 5.

This automatically postpones the trial beyond the Feb. 13 date set by Judge **Haggarty**. However, the judge instructed the defense attorney, **T. Irwin Dymond**, to have Shaw present in court at that time so that a continuance can be granted.

The 14-page motion also asked for time to subpoena out-of-state witnesses for the hearing.

Referring to the alleged prejudicial atmosphere, the motion said:

"The actions of the district attorney, the news media, and so-called Warren Report critics, acting in concert with, and with the direct assistance of the district attorney, his assistants and other staff, have created an atmosphere of prejudice, excitement and passion, and have caused the prospective jurors, as well as

the atmosphere in the metropolitan New Orleans area and surrounding parishes in connection with the conspiracy trial, to be such as to interfere with the orderly administration of justice."

The motion specifically referred to **The Times-Picayune** and **New Orleans Statesitem**, saying the newspapers gave "this exposure" to the case and that they "have a history of strong influence on the minds of the people" within a 100-mile radius of New Orleans.

The motion said that by "prejudging the existence of a conspiracy," Garrison has placed Shaw in the position of "having to prove the non-existence of a conspiracy, rather than leaving the burden of proving the existence of a conspiracy on the office of the district attorney."

The defense said that by agreeing to a continuance last year, the state admitted the existence of a prejudicial atmosphere.

Judge Haggarty said that the March jury will be selected March 1. He has previously said that some jurors might be called as witnesses in a change of venue hearing.

This probably would mean if the trial is held here, it could not begin until April when a new jury is available.

The motion also said that on or about Nov. 1, 1967, Garrison began a "concerted effort to reactivate, renew and revive the public interest in his assassination probe" with particular emphasis on Shaw and his alleged involvement.

GUIDELINES NOTED

It cited speeches by **Lane**, a book by **Weisberg**, and articles in **Kemparts** magazine, **Playboy** magazine and the **National Observer** as examples of an effort to keep the case in the public eye.

The defense also accused Garrison of publicly proclaiming that he had not followed the set down of the court, that he had not followed them in the past and did not intend to follow them in the future.

The motion also referred to Garrison's subpoenas of out-of-state witnesses, and said they were demanded for publicity and "for the record."

It also referred to the Dec. 2 charging of **Edgar Eugene Bradley** of California with conspiracy in the case.

It said that Garrison had press releases on the charge delivered to news media before the arrest warrant was delivered to California.

The sole reason for the charge, the motion alleged, was "to lend substance to the charges against Shaw."

Also cited were Garrison's national television appearance of Feb. 3, a story in **National Enquirer** and what the motion called a "nationwide speaking tour" by Garrison.

Judge Haggarty had previously issued guidelines prohibiting any of the principals from publicly discussing the case.

The Warren Commission concluded that accused assassin **Lee Harvey Oswald** acted alone. Shaw was arrested on March 1 of last year on a charge of conspiring with Oswald and others to assassinate President **John F. Kennedy**.

Criminal Sheriff **Louis A. Heyd Jr.** announced Tuesday that accreditation of members

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SECTION 1
TIMES PICAYUNE
NEW ORLEANS, LA

Date: 2-7-68
Edition:
Author:
Editor: GEORGE W. WEAVER
Title: ASSASSINATION
PRESIDENT JOHN F. KENNEDY, DALLAS, TEXAS
Character: AFO
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